

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Service - Disciplinary action against Sri K.Balram, Male Nursing Orderly (MNO), (Retd.) – Imposition of penalty of withholding of full pension permanently with effect from 01-12-2007, under Rule 9 of Andhra Pradesh Revised Pension rules, 1980, besides treating the suspension period from 08-10-2004 to 30-11-2007 as ‘not duty’ under F.R. 54 B (5) – Orders – Issued.

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DEPARTMENT FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (JJ)

G.O.Ms.No. 27

Dated:27<sup>th</sup> September, 2012.  
Read the following:-

1. From the Commissioner, JWCS & WSC, Hyderabad, Proceedings No.EA1/242/2004-01, Dt:08-10-2004.
2. From the Commissioner, JWCS & WSC, Hyderabad, Proceedings No.EA1/ 242/2004-II, Dt:25-11-2004.
3. From Sri K.Balram, MNO, Juvenile Home for Boys, Hyderabad, Written Statement of Defence, dated: 18-12-2004.
4. From the Commissioner, JW, CS & WSC, Hyderabad, Proceedings No.EA1/242/2004-I&II, Dt:01-02-2005.
5. From Director, JW,CS & WSC, Hyderabad, Letter No.EA1/242/2004, Dt:22.11.2008.
6. Govt. Memo.No.8768/JJ/A2/2004, dated: 20-03-2012.
7. Representation of Sri K.Balram, Male Nursing Orderly (Retd.), Juvenile Home for Boys, dt.24-04-2012.
8. Govt. Letter No.8768-A/JJ.A2/2004, dt: 25-08-2012.
9. From the Secretary, I/c Andhra Pradesh Public Service Commission, Hyderabad letter No.1696/RT/2/2012, Dated: 12-09-2012.

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ORDER:

Whereas in the reference 1<sup>st</sup> read above, the Commissioner, Juvenile Welfare Correctional Services & Welfare of Street Children, A.P., Hyderabad has placed Sri K.Balram, Male Nursing Orderly (MNO), Juvenile Home for Boys, Hyderabad under suspension w.e.f 08-10-2004 under sub-rule (1) of Rule 8 of Andhra Pradesh Civil Services (CCA) Rules, 1991, since he indulged in acts of Criminal misconduct and Sodomy against a juvenile under his care and thereby caused serious dereliction of duties.

2. And whereas in the reference 2<sup>nd</sup> read above, the Commissioner, Juvenile Welfare Correctional Services & Welfare of Street Children, A.P., Hyderabad issued disciplinary proceedings by framing articles of charges against Sri K.Balram, Male Nursing Orderly (MNO), Juvenile Home for Boys, Hyderabad in accordance with the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991. In the reference 3<sup>rd</sup> read above, Sri K.Balram, MNO, Juvenile Home for Boys, Hyderabad has submitted his Written Statement of Defense denying the charges framed against him and requested to drop the charges levelled against him.

3. And whereas in the reference 4<sup>th</sup> read above, the Director, Juvenile Welfare Correctional Services & Welfare of Street Children, A.P., Hyderabad appointed Sri Syed Ameen, Deputy Director of Correctional Services as Enquiry Officer and Sri M.Hanumantha Rao, Regional Inspector of Probation, Hyderabad (Rural) as Presenting Officer for conducting enquiry into charges

(P.T.O.)

levelled against charged officer. The Inquiry Officer, after conducting enquiry strictly in accordance with the Rules and procedures contained in the Andhra Pradesh Civil Services (CCA) Rules 1991, submitted his findings holding that the charged officer did not come up with reasonable plea against the charges made against him and is guilty of the charges.

4. The Director, Juvenile Welfare, Correctional Services & Welfare of Street Children has communicated a copy of the enquiry report to the Accused vide Memo.No.EA1/241/2004, dated:21.06.2006 with a request to submit his representation if any. In response the charged officer submitted his representation with a request to defer the final disciplinary action till the completion of the criminal case vide C.C.No.120/2005 on the File of XXII Metropolitan Magistrate, Hyderabad. In the Hon'ble Court of the III Metropolitan Magistrate in C.C.No.120/05 the Hon'ble court passed orders dated: 31-12-2007, declaring that:

“the accused (A1 K.Balram and A2) are found not guilty for the offence u/sec. 377 and 201 IPC and they are acquitted u/sec 248 Cr.PC.”.

5. And whereas the Charged Officer in his further representation dated:15-02-2008 has therefore, requested to drop further action against him since the criminal case is finalized giving him a clear acquittal of charges.

6. And whereas in the reference 5<sup>th</sup> read above, the Director, Juvenile Welfare Correctional Services & Welfare of Street Children, A.P. Hyderabad in his recommendations has agreed with the findings of the Enquiry Officer and stated that it is clear that sodomy incident had taken place and accused Sri K.Balaram carried out ghastly and disgusting act of sodomy upon the inmate, as per the statements of witnesses i.e., other child inmates and the accused proceeding on leave. The Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyderabad has also stated that the accused is guilty of charges and that he is liable to be punished.

7. And whereas Government after careful examination of all material evidence, including the representation of Sri K.Balram, Male Nursing Orderly, Juvenile Home for Boys, Hyderabad and the remarks of Director, Juvenile Welfare Correctional Services & Welfare of Street Children, Hyderabad, has provisionally decided to impose penalty of withholding of full pension on permanent basis under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 besides treating the suspension period from 08-10-2004 to 30-11-2007 treated as “not duty” under Rule FR 54 B (5).

8. Accordingly in the reference 6<sup>th</sup> cited, a Show Cause Notice has been issued to the Charged Officer giving a reasonable opportunity to offer his further defense. In the reference 7<sup>th</sup> cited, Sri K. Balram, Male Nursing Orderly, (MNO) Retd., has submitted his representation denying all the allegations levelled against him and stated that the Hon'ble Magistrate Court has disposed of the Criminal Case i.e., C.C.No.120/2005 vide Judgement dated: 31-12-2007 giving him a clear acquittal from charges; that the enquiry was not conducted in accordance with the Andhra Pradesh Civil Services (C.C.A) Rules and has therefore requested to take a lenient view and issue favourable orders by dropping further action against him.

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9. As per the Judgment of Supreme Court of India in Krishnakantha Raghunadh Bibhavnekat Vs. State of Maharashtra (1997 (1) LLJ 1990) and in Smt.K.Ponnamma Vs. the State of Kerala (1997 (1) LLJ 1205), a Government servant who is placed suspension in view of his involvement in a criminal case whether connected with official duties or not is not entitled for treatment of suspension as duty extending him consequential benefits even though he is acquitted by the court in the Criminal Case. The suspension period in such cases can be treated as “not duty”.

10. And whereas in the reference 8<sup>th</sup> read above, the Secretary, Andhra Pradesh Public Service Commission, Hyderabad has been requested to obtain and communicate the concurrence of the Commission on the proposed punishment of withholding of full pension permanently with effect from 01-12-2007, under Rule 9 of A.P. Revised Pension Rules, 1980, besides treating the suspension period from 08-10-2004 to 30-11-2007 as ‘not duty’ under F.R. 54 B (5). In the reference 9<sup>th</sup> read above, the Secretary (I/c), Andhra Pradesh Public Service Commission has informed that the commission agreed with the proposals of the Government to impose the said punishment against Sri K.Balram, Male Nursing Orderly (MNO) (Retd).

11. Government after careful examination of the entire matter all material evidence including the representation of Sri K.Balram, M.N.O. (Retd.) and report of the Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyderabad has decided to impose a penalty of withholding of full pension permanently with effect from 01-12-2007 against Sri K.Balram, Male Nursing Orderly (MNO) who has retired from service on 30-11-2007, under Rule 9 of Andhra Pradesh Revised Pension rules, 1980, besides treating the suspension period from 08-10-2004 to 30-11-2007 as ‘not duty’ under Fundamental Rules 54 B (5).

12. Accordingly penalty of withholding of full pension permanently with effect from 01-12-2007 is imposed against Sri K.Balram, Male Nursing Orderly (MNO) who has retired from service on 30-11-2007, under Rule 9 of Andhra Pradesh Revised Pension rules, 1980, besides treating the suspension period from 08-10-2004 to 30-11-2007 as ‘not duty’ under Fundamental Rules 54 B (5).

13. The Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyderabad shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NILAM SAWHNEY,  
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Director,

Juvenile Welfare, Correctional Services &  
Welfare of Street Children, Hyderabad.

Sri K.Balram, M.N.O. (Retd.) Juvenile Home for Boys, Hyderabad  
through the Director, JWCW & WSC, Hyderabad.

The Accountant General, A.P. Hyderabad.

The Secretary, A.P. Public Service Commission, Hyderabad.

The P.S. to Minister (WCD&SC, IKP).

The P.S. to Prl.Secretary to Government, Dept. for W.C.D & S.C.

The P.A. to Jt.Secretary to Government, Dept. for W.C.D & S.C.

SF/SC.

// Forwarded:: By Order //

SECTION OFFICER